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OFFICE OF PETITIONS

In re Patent No. 7,011,872	:	DECISION REGARDING PTA
Issued: March 14, 2006	:	and NOTICE OF INTENT TO ISSUE
Application No. 09/939,294	:	CERTIFICATE OF CORRECTION
Filed: August 24, 2001	:	
Atty. Dkt. No.: 1417Y P 524	:	
(NPVC-5797)	:	

This decision is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT," filed March 20, 2006.

The application for patent term adjustment (PTA) under 37 CFR 1.705(d) is hereby **GRANTED TO THE EXTENT INDICATED HEREIN.**

The above-identified application matured into U.S. Patent No. 7,011,872 on March 14, 2006. The patent issued with a PTA of 258 days. The instant application for PTA was timely filed March 20, 2006. Patentees argue that the patent is entitled to an adjustment of 498 days and that the reduction of 120 days in connection with the submission of a response to the examiner's interview was in error.

Review of the application history reveals that patentees are correct. The adjustment was improperly reduced 120 days. The response to the examiner's interview submitted July 15, 2005 is not deemed a failure to engage in reasonable efforts to conclude prosecution within the meaning of 37 CFR 1.705(c)(10).

Accordingly, at the time of issuance, the patent was entitled to an adjustment of 378 days (567 days of USPTO delay minus 189 days of applicants' failure to engage in reasonable effort to conclude prosecution).

Receipt is hereby acknowledged of the required application fee of \$200.00. The request for refund of the application is hereby dismissed as submission of the application fee is a prerequisite to treatment on the merits for any application submitted pursuant to 37 CFR 1.705 and is not subject to refund.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 378 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A. Fries

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,011,872 B2
DATED : March 14, 2006
INVENTOR(S) : Ding, et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 258 days

Delete the phrase "by 258 days" and insert – by 378 days--